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SPEECH OF THE

Hon. Geo. E. Badger, of N. Carolina,
ON THE SLAVERY QUESTION.

Delivered in the Senate, Monday, March 18, 1850.

Mr. President: It is not surprising, sir, considering the subject matter of the resolutions submitted by the honorable Senator from Kentucky, (Mr. Clay,) that there should have been a warm and even an excited debate produced by them in this House. Nor is it surprising, considering the variety of topics embraced in those resolutions, that there should have been a great diversity of sentiment among the members of this body. The delicate nature of the subject out of which these resolutions have grown—to which, directly or indirectly, they all relate—furnishes abundant excuse, and even justification, for the large amount of excited feeling and warm and animated discussion, here and elsewhere. I do not rise, Mr. President, with a view of saying any thing which shall tend to aggravate excitement, or at all lessen the prospects of amicable accommodation of the various matters in dispute, pending between the different portions of this country. On the contrary, while I shall express, with plainness and sincerity, the views which I entertain, I shall endeavor to avoid saying any thing which can give just offence. In the remarks which I shall submit to the Senate, I shall endeavor to cultivate in myself, and, so far as depends upon me, in others, that spirit of "mutual concession, compromise, and kind feeling," in which the Union of the States originated, and by cultivating which alone, can it be preserved.

There can be no question, that the subject under the consideration of the Senate is vastly important. It is, in my judgment, as important as the value of the Union; and for the estimate of that value, I myself possess no adequate powers of computation. To us, as a people, it is, indeed, inestimable. When, therefore, questions are moved here which do, either directly or indirectly, involve the continuance of the Union and the maintenance of the form of Government under which we live, I must consider them of such transcendent importance, as to be worthy of every exertion of the understanding of every member of this body, and as demanding from us all the exercise of moderation, justice, calm, and tranquillity, in order to produce good and avoid evil.

In the first place, I concur entirely in what has been so often said upon this floor, that there can be no peaceful separation of this Union. From the very nature of the case—from the character of our institutions—from the character of the country, from the nature of the government itself, it is, in my judgment, impossible that there can be a peaceful separation of this Union. But if there could be, I agree entirely with the honorable Senator from Kentucky, that that state of peace in which we might separate must be speedily ended—must terminate in intestine conflicts, in wars, which, from the nature of the case, could know no amicable termination, no permanent peace, but, until the superiority of one or the other side in the conflict should be completely established, would admit of nothing but hollow truces, in which each might breathe from past exertions, and make preparations for future conflicts.

Sir, the idea of a separation of these States into distinct confederacies was thought of, and considered, and spoken of, before the adoption of this constitution. At the time that the question was before the American people, whether the constitution proposed by the convention should be adopted, it was then spoken of. It is probable, yes, certain consequences, were referred to by the writers of that admirable series of papers denominated the "Federalist;" and I beg the indulgence of the Senate while I read a very brief extract, conveying the views of these eminent men:

"If these States should either be wholly disunited, or only united in partial confederacies, a man must be far gone in Utopian speculations who can seriously doubt that the subdivisions into which they might be thrown would have frequent and violent contests with each other. To presume a want of motives for such contests, as an argument against their existence, would be to forget that men are ambitious, vindictive, and rapacious.—To look for a continuation of harmony between a number of independent, unconnected sovereignties, situated in the same neighborhood, would be to disregard the uniform course of human events, and to set at defiance the accumulated experience of ages."

If this was a just view of the probable, the certain results of a separation of these States at that time, and under the then existing circumstances, I pray you, sir, upon what, at the present day, can we find a better hope?—Then the States were fresh from the conflict of the revolutionary war. Then not only had they a lively remembrance of the contest in which they had fought, and in which they had gathered victory and honor together, but the leading men of that time were those choice spirits who had carried them through that recent conflict; who had established the independence of the country; and who exercised an influence in public affairs proportioned to their patriotism, their valor, and their wisdom. Then they might have separated without the same causes of hostility and alienation which must exist in any separation of these States at the present day. If we separate now, we do it with feelings of mutual distrust and bitterness. We divide, not by common consent, as partners who can no longer carry on their joint business with mutual profit, each to pursue for his own separate advantage that course of business in which he thinks he can best succeed; but we part with the feeling of those who consider themselves mutually wronged.

A sense of injustice and oppression rankles in the hearts of one portion of the new confederacies, and a sense, in the other, of defiance and indignity.

Under such circumstances, "what can ensue," to borrow the language of the great English moralist, "but a continual exacerbatation of hatred—an unextinguishable feud—an incessant reciprocation of mischief—a mutual vigilance to entrap, and eagerness to destroy?"

The question has been asked, What can the States do? supposing them to be divided and separated into distinct sub-divisions, or independent sovereignties. Allow me to answer that question in the words of one of the most eminent men whom my State has ever produced; a man of clear and comprehensive intellect, of a sound heart, and enlarged and ardent patriotism; who shed a glory around his native State, and whose name is held in just veneration by every one who acknowledges himself a North Carolinian. At another period of our history, the same question was asked. In the years 1831 and 1832, it had become an inquiry—a subject of discussion in my own State—and he, the Judge Gaston, in an address delivered in 1832 before the literary societies of the University, thus treats of the subject:

"Threats of resistance, secession, separation, have become common as household words, in the wicked and silly violence of public declamations. The public ear is familiarized, and the public mind will soon be accustomed to the detestable suggestion of Disunion. Calculations and conjectures—what may the east do without the south, and what may the south do without the east—menaces, reproaches, and recriminations—all tend to the same fatal end. They may do much: they may exhibit to the curiosity of political anatomists, and the pity and wonder of the world, the "dijecta membra"—the severed limbs of a once gigantic body, distinct in life, and strength, and vigor.—They can furnish to the philosophic historian another melancholy and striking instance of the political axiom, that all republican confederacies have an inherent and unavoidable tendency to dissolution. They will present fields and occasions of border wars, for leagues and counter-leagues, for the intrigues of petty statesmen, the struggles of military chiefs, for confederations, insurrections, and deeds of darkened hour. They will gladden the hearts of those who have proclaimed that men are not able to govern themselves, and shed a dreary shadow upon the hopes of rational freedom throughout the world. Solon, in his code, proposed no punishment for parricide, treating it as an impossible crime. Such, with us, ought to be the crime of political parricide—the dismemberment of our fatherland."

Time, sir, these sentiments are a just representation of what will be the future and unavoidable results of a separation of the people of this country into distinct and independent confederacies. And when I look at the prospect before us, it is one so dark, filled with such horrid forms of dread and evil, that I willingly close my eyes upon it, and desire to believe that it is impossible it should ever be realized.

Now, Mr. President, if the evils resulting from a dissolution of the Union be of the kind and magnitude which I have stated, is there any danger? Have we any reason, in the present condition of the country, to apprehend that a dissolution may follow the action of the Congress of the United States upon the great questions before us? Is there a probability that such a result may follow any course which Congress may think proper to take, any decision to which they may come, upon these vexed and harassing questions? I am not, and never have been, and trust I never shall be, an alarmist. I look to the Union of these States as the palladium, not only of the general safety of the whole, but of the individual liberty of the several parts that compose it. I will not undertake to state, sir, what amount of hazard we might encounter of some domestic convulsion; but that there is more or less reason for apprehension—that there is danger greater or less—no man can doubt who attends to what he sees in this chamber, and what he sees throughout the country.—The most eminent men belonging to this body, realize that we are in a situation which requires great skill and dexterity in the management of public measures; that there is danger, that this Union, though incapable of a peaceable separation, or, if peaceably separated, incapable of maintaining between the two portions, of which it is composed, for any length of time, harmonious relations, may yet experience convulsions and violent separations. Whether the danger be greater or lesser—whether it is exaggerated on the one hand, or looked upon as too small upon the other—if there be any danger, however remote, any reason, however small, to fear such results, to a man with a patriotic heart it furnishes just the same ground of caution—just the same motive for forbearance—just the same ground for the exercise of care and diligence for our preservation, as if the danger were immediate, or the cause of fear great. We all realize this in the ordinary transactions of life. If a man has any reason to suppose, however remote the danger, that the house in which he does not wait to have demonstration of the fact before he takes measures for his security. In all human affairs we are obliged to act upon probable evidence, and to provide for probable contingencies, and to respect even the lowest degree of probability, in avoiding danger and securing safety. I care not whether there be more or less reason to think that a convulsion may be produced among the people of the different sections of the Union by the manner in which these questions shall be

decided by Congress, if there be any danger, any ground of fear, as men of sense, as men of patriotism, as lovers of our country, we are bound to the most anxious, earnest, persevering efforts to secure the country. Entertaining these views on the subject of, and having stated what I believe to be the duty of us all, I profess now to act, and to be always ready to act, upon the principle which I have stated as that which should govern our conduct.

In what, Mr. President, have those difficulties their origin? They spring from one single source. They may multiply themselves; they may resume various directions; they may govern and direct the conduct of individuals in various modes; but the whole difficulty lies in slavery, as its original and sole source. It is the existence of that institution, in certain States of this Union, and the existence of that institution alone, which has brought upon us the necessity of considering whether this Union is safe. Entertaining very clear and decided views upon the subject of that institution, and sentiments having been expressed with great confidence by many gentlemen, particularly by the senator from New York, who sits on this side of the chamber, (Mr. Seward) as to its nature and character, considered in a religious point of view; it being assumed as a matter of course that that institution itself is utterly opposed to the spirit and law of Christianity, and that it must be taken to be in itself morally evil—evil altogether—and to be tolerated only where we have no power to put it down, I beg leave, though not exactly germane to the political discussion, to submit to the Senate a brief inquiry, into the correctness of this view. I maintain, and shall endeavor to establish, that whether the institution of slavery be considered as an evil or not, it is not a sin. It is not in itself a violation of the divine law. It was said by the honorable senator from Massachusetts, in the noble and able speech which he delivered the other day, that that institution had existed from the earliest times; that the first writers of history found it existing; that, in the theocratic government of the Jews, no disapprobation of it was expressed; and that, under the Gospel dispensation, no injunction against it was to be found. That is the truth, sir, but it is not all the truth. It is clear that that institution, which we find existing in the world before and at the commencement of the Jewish theocracy, not only was not disapproved of, but expressly recognized, approved, and its continuance sanctioned by the Divine Law-giver of the Jews.

Why, Mr. President, if we disabuse our minds of the influence of previous opinions, and undertake to inquire whether the Divine Law of charity condemns the institution of slavery—and if in this inquiry we subordinate our own judgments to the teachings of the Divine Law-giver himself—there can be little doubt as to the result. It is not a sin; and it will be that which I have stated. But we may adopt a different mode of conducting the inquiry—may allow some inward impulse or feeling to give interpretation to the great law of charity, and set up our own speculations to regulate our judgment of its force and application. We may thence be led to conclude that the institution of slavery is utterly unlawful; but in doing so we present a melancholy instance of the human interpreter setting himself in direct opposition to the practical commentary which the Divine Law-giver has given upon his law.

Now, sir, I find in the 25th chapter of Leviticus, this passage:

"And if thy brother that dwelleth by thee be waxen poor, and be sold unto thee, thou shalt not compel him to serve as a bond servant. But as a hired servant, and as a sojourner, he shall be with thee, and shall serve thee unto the year of jubilee. And then shall he depart from thee, both he and his children with him, and shall return unto his own family, and unto the possession of his fathers shall he return. For they are my servants, which I brought forth out of the land of Egypt; they shall not be sold as bondmen. Thou shalt not rule over him with rigor, but shalt fear thy God. Both thy bondmen and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. Moreover, of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land; and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit them for a possession, they shall be your bondmen forever; but over your brethren, the children of Israel, ye shall not rule over one another with rigor."

This is one among the many direct, positive, authoritative approvals of God himself of the institution of slavery, existing at the time of the Jewish theocracy. It is not a mere toleration—a mere forbearing to prohibit—by an express permission of the Israelites, whom he condescended to govern in the stead of a human ruler, to purchase of the surrounding nations and of strangers, among them slaves, and to hold them as an inheritance forever.

Slavery, Mr. President, was found, as mentioned by the honorable senator from Massachusetts, an existing institution at the time of the Gospel dispensation, and was spread throughout the earth. What treatment did it receive from the founders of that Gospel dispensation? It was approved—first negatively, and then positively. First negatively, because, in the whole New Testament, there is not to be found one single word, either spoken by our Savior or by any of the Evangelists or Apostles, in which that institution is either directly or indirectly condemned.—And also affirmatively. To show this, I de-

sire to call the attention of the Senate to two or three passages from the epistle of St. Paul, and to bring them forward, not with a commentary of my own, but with a brief commentary from one of the best men that ever lived, as well as one of the most learned divines, who spent his life between the years 1721 and 1799, in the kingdom of Scotland, who never set his foot upon soil where there was a slave, and never was a slave. He gives his opinions in a most able work of his, entitled, "A New Translation, Commentary, and Notes upon the Epistles"—not any hasty production, but the result of thirty years of his life, devoted upon this subject, which it is said was five times written over by his own hand before its publication. I allude to the celebrated Dr. McKnight, of the established Presbyterian church of Scotland.

In his introduction to the sixth chapter of the first epistle to Timothy, he thus expresses himself:

"Because the law of Moses (Exod. 21, 2) allowed no Israelite to be made a slave for life without his own consent, the Judaizing teachers, to allure slaves to their party, taught that, under the Gospel, likewise, involuntary slavery is unlawful. This doctrine the Apostle condemned here, as in his other epistles, (1 Cor. 7, 20, 21, 43; Col. 3, 22,) by enjoining Christian slaves to honor and obey their masters, whether they were believers, (verses 1, 2;) and by assuring Timothy that, if any persons taught otherwise, he opposed the wholesome precept of Jesus Christ, and the doctrine of the Gospel, which in all points is conformable to godliness or sound morality, (verse 3,) and was puffed up with pride, without possessing any true knowledge either of the Jewish or of the Christian revelation, (verse 4.)"

The passage in the epistle referred to by Dr. McKnight is in these words:

"Let as many servants as are under the yoke count their own masters worthy of all honor, like the name of God and his doctrine, not despising masters, let them not despise them, because they are brethren; but rather do them service, because they are faithful and beloved, partners of the benefit. These things teach and exhort. If any man teach otherwise, and consent not to wholesome words, even the words of our Lord Jesus Christ, and to the doctrine which is according to godliness, he is proud, knowing nothing, but doing such questions and strifes of words, whereof cometh envy, strife, railings, evil surmises, perverse disputings of men of corrupt minds, and destitute of the truth, supposing that gain is godliness, from such withdraw thyself."

On this he has the following note:

"By ordering Timothy to teach slaves to obey their masters, the apostle does not alter men's rank in the abolition of slavery, but only teaches them to be obedient to the law of nature, or by the law of the country where they live. Instead of encouraging slaves to disobedience, the Gospel makes them more faithful and conscientious. And by sweetening the tempers of masters, and inspiring them with benevolence, it renders the condition of slaves more tolerable than formerly; for in proportion as masters imbibe the true spirit of the Gospel, they treat their slaves with humanity, and even give them their freedom, when their services merit such a favor."

I ask the attention of the Senate to a brief passage from the sixth chapter of Ephesians. It is in these words:

"Servants, be obedient to them, that are your masters according to the flesh, with fear and trembling, in singleness of heart, as unto Christ; not with eye-service, as men-pleasers, but as the servants of Christ, doing the will of God from the heart; with good will doing service, as to the Lord, and not to men; knowing that whatsoever good thing any man doeth, the same shall be received of the Lord, whether he be bond or free."

The passage is thus paraphrased by Dr. McKnight in his Commentaries:

"As the Gospel does not cancel the civil rights of mankind, I say to bond servants, obey your masters, who have the property of your body, with fear and trembling, as liable to be punished by them for disobedience; obey also from the integrity of your own disposition, as obeying Christ."

"Do this, not merely when their eye is on you, or they are to examine your work, as those do whose sole care is to please men; but as bondmen of Christ, doing the will of God in this matter from the soul—that is diligently."

"With cheerfulness do your duty to your earthly masters, as servants to the Lord Jesus Christ; for in serving them faithfully, ye serve Him; and therefore do not consider yourselves as servants to men only. And that ye may be supported under the hardships of your lot, recollect what your religion teaches you, that whatever good action any man does, for that, though he should receive no reward from men, he shall receive at the judgment a reward from Christ, whether he be a slave or freeman."

I will trouble the Senate with one more quotation. It is from the third chapter of Colossians:

"Servants, obey in all things your masters according to the flesh; not with eye-service, as men-pleasers, but in singleness of heart, fearing God; and whatsoever ye do, do it heartily, as to the Lord, and not unto men; knowing that of the Lord ye shall receive the reward of the inheritance; for ye serve the Lord Christ. But he that doeth wrong, shall receive for the wrong which he

hath done, and there is no respect of persons."

Dr. McKnight explains this passage in the following note:

"Though the word *domos* properly signifies a slave, our English translators, in all the places where the duties of slaves are inculcated, have justly translated it servant; because anciently the Greeks and Romans had scarce any servants but slaves, and because the duties of the hired servant, during the time of his service, are the same with those of the slaves. So that what the apostle said to the slave was, in effect, said to the hired servant. Upon these principles, in translations of the Scriptures designed for countries where slavery is abolished and servants are freemen, the word *domos* may, with great propriety, be translated a servant. In this parallel passage, (Ephesians, 6, 5) the apostle is very particular in his precepts to slaves and lords; because, in all the countries where slavery was established, many of the slaves were exceedingly addicted to fraud, lying, and stealing, and many of their masters were tyrannical and cruel to their slaves. Perhaps, also, he was thus particular in his precepts to slaves, because the Jews held perpetual slavery to be unlawful, and because the Judaizing teachers propagated that doctrine in the Church. But from the apostle's precepts it may be inferred that if slaves are justly acquired, they may be lawfully retained, as the Gospel does not make void any of the political rights of mankind."

Now, sir, the institution which existed at the time when Christianity was proclaimed was thus recognized as lawful. It was proper slavery—perpetual slavery—a servitude for life, with the obligation of servitude transmitted to the descendants; and permit me to say, it was a slavery far more hard, far more liable to reproach, far more deserving condemnation, than any thing that has ever existed in this country. It was a slavery in which bodily hardship was imposed upon the slaves of a kind and in a degree totally unknown in any State of this republic. The rural slaves often worked in chains, and were usually turned at night into one common receptacle, in which each had his cell, and there detained until they were prepared to resume the labors of the following day. It was a slavery in which the domestic servants were subject to every species of exaction from hard and tyrannical masters, whose hearts had not been mollified by the benignant influences of Christianity; and of the three domestics they who probably had the hardest lot were the tire women, who waited upon the Roman ladies, and who often received the severest treatment for any want of skill and dexterity in arranging the hair and dresses of their lovely but fastidious mistresses, so as to display their charms to the greatest advantage.

It took a long time to found this institution. It denounced all oppression and cruelty, and inculcated justice, forbearance, and humanity, from the master to the slave. It demanded fidelity and obedience from the slave to the master. It recognized expressly the master and the slave might, without reproach, be both members of the same church—that believing masters might have believing slaves; and it enforced their relative duties upon the Gospel principles. Why was it left to exist in the church, if wrong in itself? There was no difficulty at all about emancipation.—There restraints upon emancipation were few, and applied only to special cases. The principal were the prohibition to emancipate to the injury of creditor, the restriction of emancipation by testament, beyond a certain number or proportion, and the provision that emancipation by persons under twenty years of age should be sanctioned by certain respectable official persons. Such were the chief restrictions upon emancipation at the epoch of the Christian revelation.

Nothing could be easier than for St. Paul to have said, "Slaves, be obedient to your heathen masters; but I say to you, believing masters, emancipate your slaves; the law of Christ is against that relation, and you are bound therefore to set them at liberty." No such word is spoken. From that day down, the church acted upon precisely the same principle—both before and after the empire became Christian—the emperors from time to time (especially the Christian emperors) by interposing laws for the purpose of preventing oppression and injustice to slaves, and the church by her excommunications, affording a restraint against barbarous usage on the part of Christian masters.

Now, Mr. President, having an institution among us so ancient, so sanctioned, surely it cannot be that it is, in itself, utterly unlawful and irreconcilable with the spirit and teachings of our divine religion. I cannot conceive, after considering the writings of the Apostles and the continued practice of the church, from its earliest and purest times, which recognise slavery as a lawful institution, and enforce the duties growing out of it upon both master and slave, how we, who now hold slaves, are to be put beyond the charities of our race as oppressors and robbers. No, sir; no sir. We stand upon higher and better ground. We justify no injustice, cruelty, or hardship. We claim that we have just rights recognised by the religion we profess, as well as by the laws of the country in which we live, and that, for the possession and just use of them, we should incur no reproach here, and we hope we shall incur none hereafter; though we freely admit that the trust confided to us is a high and an important one; we must give an account hereafter, not because we possess or exercise

authority—that is right; that is proper; that is not anti-religious—but for having been faithless—if faithless we shall be found—in the mode in which that authority is to be used, and the just restraints to be laid upon it.

I have not made these remarks because I suppose that they will produce conviction upon the minds of gentlemen who take opposite views; nor do I suppose that such conviction can be produced; but I wish those gentlemen to understand that we do not stand in the light of flagrant robbers and oppressors, who have no apparent reason and justification for our conduct. To my mind the lawfulness of this institution, in the Christian point of view, is clear, demonstrable, demonstrated. Gentlemen may say: "We do not agree; we have the duty that the great law of charity which says, do unto others as you would that others should do unto you, forbids you to hold a slave." He who gave that law of charity under the Old Testament, and who explained and enforced it under the new, did not declare such a judgment; and therefore what I want to deduce and enforce from it, is, that the utmost that can be said by our northern friends is, that this is a case not free of difficulty, in which difference of opinion may, without just offence, be entertained; and hence that no unkind feeling, no prejudice should result, because we take a view of this subject which does not meet their approbation.

Mr. President, in these excited times, it is very difficult to get a calm and quiet consideration of anything connected with this subject. My attention is almost daily arrested by misrepresentations with regard to legal enactments subsisting in the southern States of this Union, and with regard to the motives which have dictated these enactments. It would seem as if men were so carried away by the impulses growing out of this agitating subject, that they lose all charitable consideration for the motives of others, and even prompt to suppose that whatever is done is done for a wrong end, or under a wrong impulse. Now, I deem it proper—though at times such matters would not be worthy of any consideration—to notice one or two misrepresentations with regard to my own State, of whose laws I happen to know something, as well as of the habits and character of her inhabitants. I do this because everything which impresses upon the general mind of our northern fellow-citizens that we are a heartless, exacting, unjust, merciless race of people, has a most unhappy effect upon their disposition and feelings towards us, which re-act upon our minds; and this is continually fomenting and increasing these sources of disquiet and alienation, which every patriot must regret and should desire to remove.

I saw the other day, accidentally, intaking up a newspaper, a note appended to a speech delivered in another place. In this note I found these passages:

"NOTE BY MR. MANN—On repairing to was right in regard to the above difference of opinion, the second book I opened contained at least three cases where the courts were authorized to sentence a slave to be transported for the commission of an offence for which (See North Carolina, unconditionally hung, III., §§ 36, 37, 39.) Of course, the chap. of this difference is the pecuniary value of the slave. Hung, he would be worthless; transported to Cuba, he might bring five hundred dollars."

"But laws which punish 'six or eight,' or 'eight or ten,' or any other number of offences with death, when committed by slaves, while the same offence receives a milder penalty when committed by whites, or laws denying the benefit of clergy (where that relic of barbarism still prevails) to a slave, while it is granted to a white man, are surely among the greatest atrocities recorded in the history of the race."

Now, sir, I would not be willing to suppose the gentleman who penned these paragraphs capable of willingly misrepresenting an individual, much less the whole people of a State of the Union; but so carried away is he by this subject, that he does not perceive that his "of course," in the passage, manifest a most uncharitable deduction; and he does not perceive that what he says in the second paragraph is in direct conflict and inconsistency with the first. If the Legislature of a southern State permits a slave to be transported for an offence for which a white man is put to death, "Oh," it is said, "here is detestable avarice, sacrificing justice to money." And if the slave is put to death, and not the white man, "Here is an instance of the greatest atrocities that ever disgraced the legislation of mankind." Now, with regard to this "of course," I do not choose that my State shall lie under the imputation of being influenced in affixing punishment by the mere value of the slave as property.—The offences referred to in the statute cited in this note, are conspiracies, rebellions, insurrections. The law of North Carolina, as I suppose the law of every other country, carefully avoids, in regard to offences which ordinarily implicate a large number of individuals, the horrid spectacle of indiscriminate slaughter, and therefore authorizes the court there to affix either the punishment of death or transportation. If the gentleman had been solicitous, before making this grave charge of sacrificing the principles of justice to the base calculations of self, he would have looked a little further into the origin of this law, and he would have discovered that, in the preamble of the original law, omitted in the revision, the motive is set out, which is, to avoid an unnecessary shedding of blood, by enabling the courts, after a sufficient ex-